

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

KATHLEEN BABCOCK,

Case No.: 8:24-cv-16

Plaintiff,

(District Court of Douglas County,
Nebraska Case No. CI 23-9107)

v.

NEBRASKA METHODIST HEALTH
SYSTEMS, INC., NEBRASKA
METHODIST COLLEGE OF NURSING &
ALLIED HEALTH, and DEAN
MANTERNACH,

NOTICE OF REMOVAL

Defendants.

Defendants, Nebraska Methodist Health Systems, Inc; Nebraska Methodist College of Nursing & Allied Health; and Dean Manternach, give notice of the removal of the above-referenced action from the District Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska. Removal is based upon federal question jurisdiction, pursuant to 28 U.S.C. §§ 1331 and 1441. In support of this Notice, Defendant states as follows:

1. This action is being removed to Federal Court based on federal question jurisdiction.

2. Kathleen Babcock ("Babcock"), filed the above-entitled civil action in the District Court of Douglas County, Nebraska, on November 15, 2023, with an Amended Complaint filed on December 11, 2023 ("State Court Action"). Defendants were not served with a copy of the original complaint but were first served with a copy of the Amended Complaint on December 18, 2023. Accordingly, Defendant files this timely

Notice of Removal pursuant to 28 U.S.C. § 1446, within 30 days of the service of the Complaint.

3. The United States District Court for the District of Nebraska has original jurisdiction over this matter under 28 U.S.C. § 1331 and the action may be removed by Defendant pursuant to 28 U.S.C. § 1441 (a).

4. This court has federal question jurisdiction over the action because Plaintiff's Complaint seeks relief under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*; and Title IX of the Education Amendments Act, 20 U.S.C. §§1681.

5. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) over Plaintiff's claims alleging violations of the Nebraska Fair Employment Practice Act ("FEPA") because these claims are so related to the federal claims in this action that they form part of the same case or controversy under Article III of the United States Constitution.

6. Attached as Exhibit "A" and incorporated by reference are true and correct copies of all pleadings and papers filed in this action in the District Court of Douglas County, Nebraska. Defendant knows of no other pleadings or papers that have been served or filed with the District Court of Douglas County, Nebraska in this matter.

7. Attached as Exhibit "B" is a true and correct copy of the Notice of Filing of Notice of Removal directed to the District Court of Douglas County, Nebraska, being served contemporaneously with the filing of this Notice and being filed with the Clerk of the District Court of Douglas County, Nebraska on this date.

8. Defendant expressly reserves all defenses to Plaintiff's claims, including, but not limited to, all defenses based on law, equity, statute, constitution, jurisdiction, or immunity, any other defense or avoidance, and does not waive any defense by this removal.

WHEREFORE, in accordance with the statutory authority set forth above, Defendants, Nebraska Methodist Health Systems, Inc, Nebraska Methodist College of Nursing & Allied Health, and Dean Manternach hereby removes this action from the District Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska.

REQUEST FOR PLACE OF TRIAL

Defendants respectfully request that the trial of this action be held in Omaha, Nebraska.

Dated this 16th day of January 2024.

NEBRASKA METHODIST HEALTH SYSTEMS,
INC.; NEBRASKA METHODIST COLLEGE OF
NURSING & ALLIED HEALTH; and DEAN
MANTERNACH, Defendants,

By: /s/Allison D. Balus

Allison D. Balus (#23270)
of BAIRD HOLM LLP
1700 Farnam St. Suite 1500
Omaha, NE 68102-2068
Phone: 402-344-0500
Facsimile: 402-344-0588
abalus@bairdholm.com

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of January, 2024, a true and correct copy of the foregoing was sent by United States mail, first-class postage prepaid, to the following:

Douglas R. Novotny, NE# 22703
Novotny Law
18025 Oak Street, Suite B
Omaha, NE 68130
(402) 991-7643
doug@douglasnovotnylaw.com

/s/Allison D. Balus